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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Case No. 4:20-cv-05640-YGR-TSH

EPIC GAMES, INC.,  
  
Plaintiff, Counter-defendant,  
v.  
APPLE INC.,  
  
Defendant, Counterclaimant.

**EPIC GAMES, INC.'S NOTICE OF  
SUBMISSION OF AMENDED AND  
REDACTED VERSIONS OF  
CERTAIN EXPERT WRITTEN  
DIRECT TESTIMONY AND  
WITHDRAWAL OF CERTAIN  
EXPERT WRITTEN DIRECT  
TESTIMONY**

The Honorable Yvonne Gonzalez Rogers

Trial: May 3, 2021

EPIC GAMES, INC.'S NOTICE OF SUBMISSION OF CERTAIN EXPERT WRITTEN DIRECT  
TESTIMONY AND WITHDRAWAL OF CERTAIN EXPERT WRITTEN DIRECT TESTIMONY  
Case No. 4:20-cv-05640-YGR-TSH

PLEASE TAKE NOTICE that Epic Games, Inc. hereby submits for the public record amended and redacted versions of the following expert written direct testimony consistent with Trial Order No. 4 Re: (1) Administrative Motions to Seal; and (2) Partial Ruling on Expert Objections (ECF No. 614) and the Court’s emailed request of Saturday, May 8, 2021 that, to the extent the factual basis for each expert’s testimony has not yet been admitted, “the written direct testimony will have to be redlined and redacted before it will be admitted as direct testimony”:

- Written Direct Testimony of Dr. David S. Evans (Ex. Expert 1), which replaces the filing originally made at ECF No. 508-1 and ECF No. 509-4; and
- Rebuttal Written Direct Testimony of Dr. David S. Evans (Ex. Expert 16), which replaces the filing originally made at ECF No. 508-9 and ECF No. 509-16.

Epic refers the public to:

- ECF No. 556-1 for the Written Direct Testimony of Ned S. Barnes, CPA (Ex. Expert 2);
- ECF No. 508-3 for the Written Direct Testimony of Peter E. Rossi, Ph.D. (Ex. Expert 3); and
- ECF No. 508-5 for the Written Direct Testimony of Dr. James W. Mickens (Ex. Expert 5).

Unredacted versions of the written direct testimony will be provided to the Court by email.

Epic defers the filing of the Written Direct Testimony of Dr. Susan Athey (Ex. Expert 4) and the Rebuttal Written Direct Testimony of Michael I. Cragg, Ph.D. (Ex. Expert 13) pending the resolution of Apple Inc.’s (“Apple”) objection concerning the Written Direct Testimony of Dr. Susan Athey (Trial Tr. 2627:1-2628:11) and Apple’s Motion To Strike

1 Written and Oral Testimony of Dr. Michael I. Cragg Regarding Foreign Regulatory  
2 Submissions of a Non-Party (ECF No. 657), respectively.

3 Epic reserves the right to seek to admit amended written testimony following the close  
4 of evidence.

5 Epic hereby withdraws the Rebuttal Written Direct Testimony of Dr. Nancy A.  
6 Mathiowetz (Ex. Expert 14), ECF Nos. 508-7 and 509-12, and the Rebuttal Written Direct  
7 Testimony of Dr. Wenke Lee (Ex. Expert 15), ECF Nos. 508-8 and 509-16.

8  
9 Dated: May 20, 2021

CRAVATH, SWAINE & MOORE LLP

10 Christine Varney  
11 Katherine B. Forrest  
12 Gary A. Bornstein  
13 Yonatan Even  
14 Lauren A. Moskowitz  
15 M. Brent Byars

16 Respectfully submitted,

17 By: /s/ M. Brent Byars  
18 M. Brent Byars

19 *Attorneys for Plaintiff and Counter-defendant*  
20 *Epic Games, Inc.*